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Report of the Secretary-General on children and armed conflict in Somalia

Summary

The present report has been prepared in accordance with the provisions of Security Council resolutions 1612 (2005) and 1882 (2009). It is the third report on the situation of children and armed conflict in Somalia submitted to the Council and its Working Group on Children and Armed Conflict, covering the nearly two-year period from 31 May 2008 to 31 March 2010. Some significant recent developments that occurred from May to July 2010 have also been reflected. The report documents a period of complex changes in Somalia and follows my second report (S/2008/352) and the subsequent conclusions and recommendations of the Working Group on Children and Armed Conflict (S/AC.51/2008/14).

The report stresses that the level and scale of grave violations against children in Somalia have been increasing over the past two years, particularly with regard to the recruitment and use of children in armed conflict; the killing and maiming of children; and the denial of humanitarian access to children. In Mogadishu, tens of thousands of children are suffering under the direct impact of one of the most intense and indiscriminate conflicts in the world, while the broader implications of displacement, livelihood collapse and lack of statutory protection services have affected children across the entire country and further increased their vulnerability to all forms of violence, exploitation and abuse.

The report cites a number of parties to the conflict responsible for recruiting and using children and committing other grave violations against children, such as the administration of the Transitional Federal Government, the government-allied Ahlu Sunnah Wal Jama'a, the Hizbul Islam group and Al-Shabaab group.

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The precarious and unpredictable security situation in Somalia presents a challenge to the provision of a definitive account of violations and perpetrators. This has been compounded by attacks on humanitarian personnel and the remote location of the United Nations country team in Nairobi. The analysis presented in this report is based to a great extent on individual cases of grave child rights violations as documented by a network of United Nations and child protection partners on the ground. Total figures provided by those monitors on each violation are not representative of the scale and scope of violations committed against Somali children. Individual cases documented in this report can therefore only be indicative of the gravity of protection issues faced by Somali children.

The report contains a series of recommendations with a view to securing strengthened action for the protection of children in Somalia.

I. Introduction

1. The present report specifies grave violations of child rights by parties to the armed conflict in Somalia from 31 May 2008 to 31 March 2010, as a follow-up to my second report, submitted on 30 May 2008 (S/2008/352). It also provides an update on the implementation of the recommendations of the Security Council Working Group on Children and Armed Conflict (S/AC.51/2008/14) issued pursuant to my second report.

2. Owing to the extremely volatile security situation in Somalia, the United Nations country team and the country task force on monitoring and reporting established pursuant to Security Council resolution 1612 (2005) are based in Nairobi. The vast majority of grave child rights violations by parties to the armed conflict occurred in central and southern Somalia. The operational environment for the United Nations is extremely restricted. Mogadishu has been inaccessible since 2008, except around the airport and the areas controlled by the African Union Mission in Somalia (AMISOM). A good part of the southern and central parts of the country have been off limits since mid-2009. As was the case in 2009, the security situation has severely limited humanitarian access for international and national protection officials, thus hampering systematic monitoring and reporting of grave violations against children. Therefore, the incidents of violations cited in the present report are indicative of the gravity of the violations committed against children, but not of their scope and scale. The implementation of other aspects of the resolution is also limited, including systematic dialogue with parties to the conflict to end the recruitment and use of child soldiers and other grave violations against children.

3. Much of the data on incidents included in the present report has been provided by the country task force on monitoring and reporting, which also acts as the Protection Monitoring Network, composed of relevant United Nations agencies and child protection partners. The monitors conduct confidential, first-hand interviews as a way of verifying initial information received from various sources, such as members of local child protection and human rights networks, local non-governmental organizations and media reports. Other United Nations-verified sources of information have also been used for this report.

4. Some of the reported child rights violations by parties to the conflict resulted from inter-clan fighting. The majority of violations are as a result of the armed conflict. Children in settlements of internally displaced persons are particularly vulnerable: these areas are not only de facto battlegrounds between the parties, but the people in them are also exposed to higher levels of violent crime committed by civilians, owing to the breakdown of the rule of law and a lack of traditional forms of protection.

II. Political and military developments in Somalia

5. Since my previous report, the security situation in Somalia has severely deteriorated. Mogadishu has continued to be the main conflict zone between the forces of the Transitional Federal Government which were supported by the Ethiopian National Defence Force until January 2009, and various insurgent armed groups, such as the Union of Islamic Courts, Al-Shabaab and Hizbul Islam. Clan-related fighting continues in regions such as Gedo.

6. On 9 June 2008, the Transitional Federal Government and the opposition Alliance for the Re-liberation of Somalia (ARS) signed a peace agreement in Djibouti, calling for the end of armed confrontation and the withdrawal of Ethiopian troops. On 15 January 2009, Ethiopian national defence forces completed their withdrawal from all locations in Mogadishu.

7. Pursuant to the Djibouti Agreement, on 26 October 2008, members of the Transitional Federal Government and ARS agreed to the establishment of a unity Government and an inclusive Parliament, and on 30 January 2009 Sheikh Sharif Sheikh Ahmed was elected as the President of Somalia. On 13 February, President Ahmed appointed Omar Abdirashid Ali Sharmarke as the new Prime Minister. The forces of ARS and the former Transitional Federal Government were brought together loosely under a uniform command, although an integrated armed force is not yet in place. On 20 February 2009, Prime Minister Sharmarke formed an enlarged unity Cabinet consisting of members of the previous Transitional Federal Government, ARS, civil society and Somalis from the diaspora. The newly formed Cabinet relocated to Mogadishu on 26 February.

8. Early in February 2009, four armed opposition factions, including remnants of the Union of Islamic Courts, formed an alliance in Mogadishu called Hizbul Islam to fight against the new Government. Further, through negotiations with local clans, Al-Shabaab insurgent group took over control of Baidoa. Al-Shabaab also controls Kismaayo for the most part.

9. The total combined strength of the opposition groups is unknown, but the Monitoring Group on Somalia estimated in December 2009 that they collectively controlled or exercised influence over more than 90 per cent of the territory of Somalia, south of the town of Gaalkacyo. Al-Shabaab and Hizbul Islam groups reportedly control the regions of Lower and Middle Juba, Middle and Lower Shabelle, Gedo, Bay and Bakool and Hiraan.

10. AMISOM has been providing security at vital installations of the Transitional Federal Government, including the airport, seaport, and the presidential palace. AMISOM troops remain a target for insurgent attacks, including attacks on AMISOM bases.

11. In the early months of 2009, internally displaced persons began to return to Mogadishu for the first time in two years, following the withdrawal of Ethiopian national forces and the installation of a new president. However, that flow was reversed, in May 2009, when the most intense and destructive fighting in recent years occurred in Mogadishu between Government forces, on the one hand, and Al-Shabaab and Hizbul Islam, on the other. More than 211,000 people fled between 7 May and 10 July 2009, bringing the number of displaced during 2009 to 1.5 million. In May 2010, the number had decreased to 1.4 million.

12. The early months of 2010 have been particularly tense in Mogadishu, in part because of the repeated assertion by the Transitional Federal Government that it intends to launch an offensive to seize Mogadishu from the loose control of the insurgents. All sides to the conflict have therefore been involved in significant recruitment efforts, and there have been regular exchanges of gunfire, including mortars and shells, over the period from January to March 2010, causing further civilian deaths and displacement.

13. Throughout the reporting period, the Transitional Federal Government has made efforts, with mixed results, to reach out to all Somalis opposed to violence and extremism and willing to join the peace and stabilization process. In this context, the Transitional Federal Government signed a cooperation agreement with Ahlu Sunnah Wal Jama'a (ASWJ) on 15 March 2010. The agreement provides essentially for ASWJ forces, as well as its command and control structures, to be integrated with the Transitional Federal Government military. It should be noted, however, that the agreement has yet to be fully implemented.

14. The Transitional Federal Government has also tried to assert itself as a functioning government capable of delivering. It has notably prepared a "national" budget for 2010, the first of its kind since the collapse of the Somali State in 1991, and has raised revenues, mainly from Mogadishu seaport and airport, to cover 20 per cent of that budget.

15. Meanwhile, the Transitional Federal Government is making sustained efforts in rebuilding the core of Somalia's police and military, with international financial and technical assistance. In October 2008, the Joint Security Committee, established pursuant to the Djibouti Agreement, decided to establish a 10,000-strong police force. The Somali police force currently includes 6,536 officers. Similarly, the Transitional Federal Government is attempting to rebuild the Somali military.

16. The Transitional Federal Government has also advanced the making of a new Constitution for Somalia, a task entrusted to the Djibouti-based Independent Federal Constitutional Commission, which released an initial text on 1 July 2010. The Transitional Federal Government has launched a process of public consultations and civic education on the initial text, which should culminate in the issuance of the first draft of the Constitution in December 2010.

17. Compared to southern and central Somalia, "Puntland" and "Somaliland" have remained relatively stable, albeit facing their own challenges, particularly with regard to growing insecurity. On 8 January 2009, "Puntland" elected a new president, Abdirahman Muhammad Farole, following peaceful elections. "Somaliland" held its "presidential" election on 26 June 2010, after several postponements of the ballot, and international observers declared the vote free, fair and transparent. Ahmed Mohamed Mohamoud "Silanyo", of the opposition Kulmiye "Peace, Unity and Development" party, won the ballot and was sworn in on 27 July.

III. Grave violations of children's rights

18. Civilians, including children, continue to be the majority of casualties, primarily as a result of being caught in the crossfire between parties to conflict, shelling and explosions. Violations of child rights need to be viewed in the broader context of challenges to collecting data for Somalia, particularly for children. During 2009, some 3.64 million people, including approximately 1.8 million children, relied on humanitarian assistance. This number is almost double that of January 2008. Food supplies remain disrupted, and access to clean water and medical assistance hindered, and the hospitals are stretched to capacity. As from January 2010, food distribution by the World Food Programme (WFP) was suspended in all areas controlled by Al-Shabaab. Many schools in Mogadishu have been closed, and several taken over by armed groups. In addition, there have been higher rates of displacement of civilians escaping violence and poverty associated

with the drought and floods. Children continue to be acutely affected by displacement, exhaustion, separation and emotional trauma, and deprived of access to basic services and protection. On 19 August 2009, the transitional parliament voted to declare a state of emergency in Somalia.

19. The availability of large numbers of small arms inside Somalia has led to widespread violence by military personnel and militia, as well as civilians, in a climate of impunity, which has exacerbated grave violations of children's rights. Violations against children have occurred in the context of the conflict, but individuals are also taking advantage of the lack of rule of law and the availability of arms to commit violent crimes against children and other vulnerable members of the population. This is borne out by evidence of rising levels of acts of sexual violence against children, including in "Puntland" and "Somaliland".

20. In addition to the challenges of systematic monitoring and reporting of grave violations against children because of poor security and access limitations, there have been no reliable birth records in nearly 20 years with which to verify the age of victims as a basis for access to services. Moreover, cultural norms establish 15 years as the threshold of adulthood in Somalia, leading to less reporting of abuse of children.

A. Recruitment and use of children in armed forces and groups

21. Evidence gathered by monitors during the reporting period suggests a considerable increase in the scale of recruitment and use of children by all parties to conflict during the past two years. This has been confirmed following field research conducted by the United Nations in May and June 2009. Recruitment has also become more systematic in the past year. Although the total number of children being recruited and used in the conflict is unknown, estimates suggest that there are several hundred children in the forces of the Transitional Federal Government or its associated militias, and several thousand among the insurgent groups. Children are being trained in basic arms techniques as well as more sophisticated skills such as assassination, intelligence collection, use of improvised explosive devices and suicide missions. Continued displacement, abandonment, neglect, orphanhood and destitution have made children, especially those living on the streets and in internally displaced settlements, particularly vulnerable to recruitment. Revenge and radical teachings also play a role in some children's decision to join an armed group.

22. A marked difference with the past is the number of foreign recruits. There are indications that individuals from Afghanistan, northern Pakistan, Saudi Arabia and Yemen are training in particular with the Al-Shabaab. The fighting forces of the opposition groups are also being joined by young members of the Somali diaspora (from Europe, the United States of America and countries of the Gulf area).

23. The forces of the Transitional Federal Government, Hizbul Islam, Al-Shabaab and Ahlu Sunnah Wal Jama'a, and clan-based armed groups throughout central and southern Somalia have all been accused of recruiting and using children in the conflict. From May 2008 to March 2010, United Nations partner organizations interviewed 208 boys and 2 girls who had been recruited and used in armed conflict or policing activities. All but six of those children were between 13 and 17 years old. These numbers are indicative, but do not reflect the considerable scope of the problem. It is difficult to reach affected children, and monitors have been concerned

that the reporting of recruitment activities might endanger their safety, following death threats against them.

24. Children are typically recruited from schools and madrasas and from internally displaced settlements in Somalia and refugee camps in neighbouring Kenya. Children are often told it is their duty to fight or to avenge a family member's death, or they are offered money or are directly threatened. Forcible recruitment has also become much more common during 2009 and 2010, with teachers and parents under pressure to send children to the frontline to support the cause. There is evidence that increasing numbers of families are fleeing the country to avoid this widespread and aggressive recruitment. Civil society and local non-governmental organizations have consistently reported that it has become more difficult to prevent recruitment because of the increasingly aggressive attitude of the various armed groups.

25. Children as young as 11 are used by insurgent groups and are paid between US$ 3 and $35 per operation (attacks, assassination, intelligence gathering). In June 2009, UNICEF partners received reports that some children were given up to $80 to join. In July 2009, a 14-year-old boy, whose father died in crossfire and who fled Mogadishu with his family to Kalagooye internally displaced person camp, was recruited by Al-Shabaab. He was transferred to Beledweyne to fight against the Transitional Federal Government. A UNICEF partner met his mother and asked why he joined. She said: "We were starving to death, so he could not resist the offer from Al-Shabaab to be a soldier and be paid."

26. While recruitment of girls has been rare and is generally regarded as socially unacceptable, there are documented accounts of girls working for armed groups, particularly in cooking and cleaning. Girls are also brought in to transport detonators, provide logistics support and collect intelligence, as well as receiving weapons. An Al-Shabaab training camp for about 120 girls is located near Kismaayo, where girls learn intelligence-gathering techniques, transport of explosives and driving. Girls are reported also to be recruited for marriage to young combatants.

Al-Shabaab

27. Available information indicates that Al-Shabaab has undertaken the most systematic and widespread recruitment and use of children in the conflict. While very active in the central and southern region, the group is also reportedly recruiting children in Puntland and Somaliland, and training them in Bay, Bakool, Galgaduud, Hiraan, Mogadishu and Raas Kaambooni.

28. In December 2008, eyewitness accounts of the clashes in Guriel and Dhuusamarreeb indicated that between 30 and 45 per cent of Al-Shabaab combatants were children. Seven children were killed and three were injured in the clashes. In February 2009, Al-Shabaab reportedly redirected a minibus full of young children for military recruitment with parental permission in Marka. In March 2009 alone, Al-Shabaab reportedly recruited 600 children. At the Galduuma base on the border between Bay and Lower Shabelle, it is alleged that Al-Shabaab has 1,800 children, as young as 9 years old. In Raas Kaambooni, Al-Shabaab trains boys from 12 to 18 years old and, every six months, 270 students graduate into operational units.

29. In September 2009, AMISOM gained information related to the deployment of 270 children within Mogadishu. They were trained by Al-Shabaab in Baidoa and Galgaduud and were brought in to replace fatigued fighters. From January to March 2010, monitors recorded 41 cases of children recruited to the ranks of Al-Shabaab. Some recent examples include:

- On 12 February 2010, a 13-year-old boy was recruited by Al-Shabaab in Ceelasha Biyaha district at KM 13 village. Monitors also saw other children recruited as child soldiers in the camp but were unable to document the cases because of insecurity.
- On 25 February 2010, 3 boys aged 12, 13 and 14 years were recruited as child soldiers by Al-Shabaab. The victims were students at a madrasa in Hamar-jajab district. The victims' mother reported this case to Hamar-jajab police, who were able to withdraw them from the militia group, and arrested the teacher responsible for their recruitment.
- On 27 March 2010, two boys, aged 13 and 14 years, were recruited by Al-Shabaab in southern Gaalkacyo town. The victims disappeared from their homes and were later seen in the company of Al-Shabaab militia agents.

30. In July 2010, there have been consistent reports from partners, United Nations staff and media on forced recruitment by Al-Shabaab, typically from schools and madrasas, of several hundreds of children, some as young as 9 years, for training and combat.

Hizbul Islam

31. Hizbul Islam reportedly had 30 people dedicated to recruiting children, and the group is estimated to have about 500 active children in its ranks, as at 31 March 2010. In February 2009, at an internally displaced camp in Mogadishu, monitors came across two boys aged 15 and 16 years who had been fighting as members of Hizbul Islam. In March 2009, monitors interviewed a 15-year-old boy who had been recruited as a fighter with Hizbul Islam in Mogadishu. Monitors revealed that there were many other children at the Hizbul Islam base but they could not interview them for security reasons.

32. It has also been reported that the KM 60 militia, an independent militia group, had about 80 to 100 children in its ranks. This militia has now been absorbed into Hizbul Islam.

Ahlu Sunnah Wal Jama'a and other militia groups

33. Additionally, Ahlu Sunnah Wal Jama'a reportedly recruited children, in their hundreds, mostly within the Hiraan and Galgaduud regions of Somalia, early in 2009. Eighteen children newly recruited to the ASWJ armed group have been interviewed since January 2010 by monitors. Some children cited better salaries as a reason for voluntarily switching from one insurgent group to ASWJ.

Transitional Federal Government

34. The new Transitional Federal Government is reportedly recruiting children between the ages of 14 and 18 years. Some of them are sent to what is officially called a "rehabilitation centre" located in Harunta Xisbiga, near the stadium in

Mogadishu, which is allegedly a training base for children who had previously fought for other armed groups.

35. In 2009, humanitarian actors expressed concern over the alleged recruitment of young ethnically Somali men and boys from north-eastern Kenya, and of Somali refugees from Dadaab refugee camps, to fight alongside the Transitional Federal Government in Somalia. The Transitional Federal Government and the Government of Kenya denied numerous press reports making such allegations. The Minister of Defence of Kenya and other members of Parliament stated in mid-October 2009 that a training programme exists, but claimed it is intended for Somali recruits to join the Transitional Federal Government army and police. No Kenyan or Somali official admitted to recruiting inside refugee camps in Kenya, which would contravene fundamental principles of refugee law. In October 2009, the Kenyan Parliamentary Committee on Defence and Foreign Relations said it would look into the matter and is expected to report to the Parliament. The Monitoring Group on Somalia verified the recruitment of underage youth, both from within Somalia (exclusively the Juba Valley) and from north-eastern Kenya, although the Monitoring Group could not assess the scale of such recruitment. The United Nations country team in Kenya has expressed concern to the Government of Kenya at the highest levels, urging the Government to redouble its efforts to ensure the protection of all children in Kenya.

36. In May and June 2010, the situation of children allegedly fighting on the side of the Transitional Federal Government was widely covered in a variety of media reports and confirmed by monitoring partners on the ground. The issue was made public by the *New York Times* on 13 June 2010. On 15 June, President Ahmed in a public statement expressed strong concern over the *New York Times* report and stated that the Somali Government has not and will not knowingly recruit underage youth for the national security forces. President Ahmed requested the Army Chief to conduct an investigation into the issue and report back to him in four weeks and also instructed the army to demobilize any underage recruits without delay. At the time of writing this report the outcome of the Transitional Federal Government investigation is not yet known.

B. Killing and maiming of children

37. Children have been the victims of armed conflict in many regions in Somalia, particularly those living in internally displaced settlements in urban centres such as Mogadishu, Galgaduud and Kismaayo. During the reporting period, conflict between the Transitional Federal Government, supported by Ethiopian national forces (until the end of January 2009) and insurgent groups, including Al-Shabaab, Hizbul Islam and clan militias, led to high civilian casualties, particularly in Mogadishu. Because of the reported increase in the recruitment of children into the armed conflict, children are often seen as "legitimate" targets.

38. From May 2008 to March 2010, monitors have reported that a total of 316 children were killed and 619 injured as a result of fighting. These include those caught in crossfire, mortar attacks, and grenade launches while in their homes, on the street, in the market, walking home from school or playing football. It is difficult to separate cases of children killed or injured as a result of direct engagement from cases of children who are collateral victims of the fighting. These figures are thought to be well below the actual number of children killed or maimed

in the conflict as insecure conditions have prevented comprehensive reporting of deaths and victims. The International Committee of the Red Cross reports that 866 wounded and sick children were admitted to hospitals in 2008. In 2009, just under half of the 1,137 people admitted to Daynile Hospital suffering from blast injuries were women and children under the age of 14. The World Health Organization has reported that, in March 2010 alone, the three main hospitals in Mogadishu reported 920 conflict-related injuries, of which an estimated 35 per cent were children. Some examples include:

- On 27 August 2008, a mother and her five children were killed when shells hit their house in Hodan district, Mogadishu, during a series of offensives by Transitional Federal Government forces, supported by the Ethiopian national forces.
- On 21 November 2008, a group of children playing in an open playground in Yaqshiid were killed in crossfire between insurgent groups and the Transitional Federal Government, supported by Ethiopian forces.
- On 6 December 2008, an 8-year-old boy was shot dead by Transitional Federal Government troops in Mogadishu. According to reports, the boy was playing football near his home when the soldiers opened fire on him, killing him on the spot.
- In December 2009 and January 2010, eight boys were killed during fighting between Ahlu Sunnah Wal Jama'a and Al-Shabaab in Galgaduud. One 17-year-old boy captured carrying explosives for Al-Shabaab in January 2010 was killed by Ahlu Sunnah Wal Jama'a.
- In February and March 2010, one boy was killed and one severely beaten by Transitional Federal Government forces on suspicion of spying for Al-Shabaab.

39. AMISOM troops have been engaged in active combat during the reporting period, as their mandate requires them to protect institutions of the Transitional Federal Government. In the past eight months, there have been 15 recorded instances of their participation in an exchange of fire or mortars in which children were killed or injured. Reports continue to be received on a regular basis of alleged violations of international humanitarian law by AMISOM or other international forces in Mogadishu. Some examples include:

- On 21 September 2008, insurgent forces fired mortars at Mogadishu international airport and at the presidential palace. Transitional Federal Government forces, supported by Ethiopian troops, retaliated by firing mortars at Bakara Market. Eye witnesses reported that about 30 people were killed, including a family of seven civilians. At the same time, an estimated 18 civilians, among them a mother and her five children and an entire family of 10, were reported to have died after insurgents attacked AMISOM troops at the KM 4 junction, drawing retaliatory fire from the peacekeepers.
- On 10 October 2008, a 7-month-old baby was killed by mortar shrapnel allegedly fired by the AMISOM forces based in Mogadishu during an exchange of fire with insurgent groups.

- On 22 October 2008, a 12-year-old girl was reportedly killed by mortar shrapnel allegedly fired by AMISOM forces in retaliation for an alleged attack at Adden Adde International Airport.
- In a 10-day period in March 2010, 13 children were injured in separate incidents involving shelling and gunfire battles between AMISOM/Transitional Federal Government and insurgent groups.

40. There is still a persistent danger to children from explosive remnants of war, landmines, unexploded ordnance and other such devices. According to the United Nations Mine Action Service, in 2009, 19 children were killed and 30 injured in incidents involving explosive remnants of war. Some examples include:

- On 7 August 2008, two boys, aged 6 and 13, were maimed by a roadside bomb while they were walking their goats in Yalho, Puntland. One child lost both legs and the other both arms.
- On 17 January 2009, a 10-year-old boy died and four other children playing outside their home in Bayhdaba were wounded when an ordnance exploded.
- On 21 March 2009, two children were killed and two others wounded in Bu'aale after a hand grenade they were playing with exploded.

41. The past year has seen a rise in killings and maiming related to the extreme application of sharia law by Al-Shabaab, including accounts of women and men being whipped in public or detained for alleged violations. More alarmingly, there are reports of Al-Shabaab in Kismaayo carrying out amputations and unlawful killings. Some examples include:

- In October 2008, a 13-year-old girl was publicly stoned to death after being convicted of adultery by a Shabaab court (the girl's father had in the preceding weeks reported that she had been raped).
- On 18 May 2009, a 12-year-old girl was beaten for not wearing a veil by one of the Al-Shabaab militia in Qasahdere.
- On 23 November 2009, Al-Shabaab allegedly executed a young boy in Mogadishu after he was accused of attempting to convert a 15-year-old boy.

C. Sexual violence

42. The number of reported cases of rape and other sexual assaults has significantly increased during the past 18 months to a total of 576 during the reporting period, compared to 128 cases in the last reporting period (20.6 per cent in the southern and central region, 23.6 per cent in "Puntland" and 55.7 per cent in "Somaliland"). The total number of reported victims is not indicative of the scope of the problem, as a lack of child protection workers and related services, as well as the associated social stigma, prevent most victims from seeking justice or support. Most cases were recorded in "Somaliland", reflecting a more robust system available in that region to identify and process rape victims.

43. Of the rape cases reported by child protection monitors, less than 5 per cent are alleged to have been carried out by parties to the conflict. Nonetheless, the continued fighting has rendered women and children more vulnerable to sexual violence because of displacement, destitution, the breakdown of the rule of law and

the re-emergence of armed groups and freelance militias — all as a result of the ongoing conflict. There are reports of victims as young as 18 months. Most at risk are women and girls living on the streets and in open and unprotected internally displaced settlements (such as those in Bousaaso, Gaalkacyo, Hargeyoa and along the Afgooye corridor), particularly those who belong to minority clans in the area where they are living. Some examples include:

- On 24 September 2008, a 15-year-old girl was reportedly captured and taken to a deserted building and raped in turn by three Ethiopian soldiers along the Maka-Almukarama Road in Mogadishu.
- On 7 December 2008, an 8-year-old girl was gang-raped by an unknown number of uniformed men, reportedly members of Transitional Federal Government and Ethiopian forces in the Huriwaa district of Mogadishu.
- A 14-year-old girl was raped allegedly by Transitional Federal Government soldiers in Hamar-jajab, Mogadishu, on 18 December 2008.
- On 20 July 2009, a 16-year-old girl was raped by two armed gunmen in the Ceelasha internally displaced camp.

44. As I reported in 2009, rapes and other sexual assaults are often carried out with impunity. Traditional and community justice mechanisms (Xeer) frequently ignore the victim and negotiate with members of the perpetrator's clan, proposing a financial settlement to the family or clan of the victim by the perpetrator, or marriage of the victim to the perpetrator.

D. Attacks on schools and hospitals

45. Late in 2008 and in 2009, there was an upsurge in attacks on schools, fuelled in part by the perception that children, particularly those studying in Koranic schools, are being mobilized to join insurgent groups, and are therefore "legitimate" military targets. Schools have been the sites of interrogation, armed conflict and shellings. Since mid-2008, a total of 170 schools in five districts of Mogadishu were closed at various times, as they were attacked or risked being attacked because the surrounding areas became scenes of conflict between the Ethiopian forces, the Transitional Federal Government, AMISOM and insurgent armed groups, including Al-Shabaab and clan-based armed groups. Moreover, at different moments during the reporting period, 34 schools were at least temporarily occupied by armed groups. The President of the Somalia National Union of Teachers reported late in 2009 that 34 schools and universities that had remained open in Mogadishu had to be closed because of the general insecurity, the presence of Government forces in close proximity, and an increasing number of deaths of students and teachers. Of the schools that remained open, most have seen reduced or sporadic attendance because of poor security, curfews and roadblocks, all of which has left an estimated 50,000 children without formal education, and 52 schools were still closed in Mogadishu at the end of the reporting period.

46. There have also been many instances of parties to the conflict directly targeting schools, in some cases in retaliation for attacks against them by opposing forces, resulting in the killing or wounding of teachers and students. Some examples include:

- On 18 June 2008, following the explosion of a remote-controlled explosive device targeting a Transitional Federal Government vehicle patrolling Waaberi district, police entered the Al-Mathal school nearby, opening fire and wounding one student. The police also reportedly burned blackboards and textbooks, and smashed microphones and other materials belonging to the school.

- On 24 August 2008, four children and two teachers were injured when Transitional Federal Government forces attacked the Somali Youth League primary and secondary schools in Hodon district in Mogadishu. The soldiers reportedly opened fire on the school following the killing of a soldier in front of the school gate.

- On 8 September 2008, one child died and three others were wounded when Transitional Federal Government and Ethiopian forces opened fire on the Koranic school in the Yaqshiid district of the capital. After this incident, schools in Mogadishu were closed for three days to protest against attacks on schools, teachers and educational institutions. The United Nations and non-governmental organizations working in the education cluster for Somalia issued a statement on 10 September 2008, condemning the incident.

- On 18 February 2009, over a dozen armed men dressed in the uniform of the Transitional Federal Government military forcefully entered Sheikh Yusuf Alkawnen secondary school in the Wadjir district of Mogadishu. The soldiers threatened and assaulted students and teachers, and stole money and mobile phones from two teachers and a student.

47. Schools have also been damaged or destroyed and teachers and students killed or injured, during exchanges of fire or shellings by parties to conflict. Some examples include:

- During an exchange of fire between the Transitional Federal Government military and armed groups in Mogadishu on 13 January 2009, a mortar shell landed in a Koranic school, killing 4 children and wounding 10 others.

- There were three reports of incidents on 25 February 2009 in which two schools were hit during an exchange of fire between the Transitional Federal Government/AMISOM military and insurgents in Mogadishu. The incidents left 6 children dead and 13 others wounded.

- On 8 March 2009, in Gaalkacyo, fighting between security forces and armed militia broke out near a primary school that had 80 students between the ages of 4 and 10; one side eventually used the school as a vantage point and refuge.

- On 1 July 2009, an estimated 11 children were killed and 47 civilians injured during clashes between Al-Shabaab and Transitional Federal Government forces near the Goday primary school in the Kaaraan district in Mogadishu.

48. Hospital sources have claimed that they are severely limited by the lack of sufficient manpower, as well as supplies of medicines and other equipment. In addition, clashes have resulted in hospitals being forcibly closed because of fears for the safety of medical staff. In June 2009, the largest in-patient facility in central and southern Somalia, run by Médecins sans Frontières (MSF) in Bakool, had to be temporarily closed as the risks had reached unacceptable levels. On 11 September 2009, a hospital in southern Mogadishu was hit by mortar shells, killing at least

15 disabled people and wounding 17 others, including children. Doctors have also been threatened for treating government soldiers and accused of receiving support from enemies of Islam. On 12 January 2010, the main hospital in Beledweyne town was hit by two mortar shells, injuring two employees of MSF.

E. Denial of humanitarian access and targeting of humanitarian workers

49. The steady deterioration in the security situation during the reporting period has meant heightened risks for national staff and implementing partners. In Mogadishu, key routes that would normally ease humanitarian access have been the scenes of attacks, roadside bomb explosions and assassinations; while in other parts of the country, where non-State actors are in control, localized fighting and low acceptance of humanitarian aid and actors continue to erode access. Limited access has impaired monitoring and accountability of programmes, and reduced delivery of aid even during acute humanitarian crises.

50. In addition, the Somali border with Kenya has remained closed during the reporting period, and since January 2007. Permission for the transport of humanitarian cargo to the border was being granted only at the Mandera and Liboi crossing points. According to the latest UNICEF estimates, almost 640,000 children under the age of 5 are suffering from the consequences of chronic food insecurity. The majority of those living in humanitarian emergency are in central and southern Somalia. Checkpoints and roadblocks are no longer a major problem for the movement of humanitarian personnel in 2010 and 2009, as they were in 2008. Currently checkpoints in most regions are limited to administrative control points at the entrance/exit of the main towns, the only exception being Mogadishu, where there are checkpoints within the city.

51. There has been an escalation in the number of humanitarian aid workers targeted. During the reporting period, 33 humanitarian workers were killed (32 Somalis and 1 foreigner), 28 were abducted (13 Somalis and 15 foreigners), 10 of whom are still in captivity, and many others were harassed, received death threats or were detained for questioning. Some examples of attacks against humanitarian personnel and premises include:

- On 14 June 2008, a CARE staff member was abducted in the Galgaduud region, prompting CARE to immediately suspend all of its operations in the area.
- On 21 June 2008, the head of the Office of the United Nations High Commissioner for Refugees in Mogadishu was abducted.
- On 6 July 2008, the head of the office of the United Nations Development Programme (UNDP) in Mogadishu was killed outside a mosque after prayers.
- On 19 October 2008, a UNICEF consultant for water and sanitation activities was shot dead by unknown gunmen in Xuddur, Bakool region.
- On 29 October 2008, there were five bomb attacks in Hargeysa and Boosaaso, including one suicide bomb attack inside the UNDP compound in Hargeysa, killing two United Nations staff members and wounding several others.

- In May 2009, Al-Shabaab took over UNICEF offices in Jawhar. Supplies and assets were looted by Al-Shabaab and criminal elements within the town. The compound remains occupied.

- On 19 April 2009, two MSF Belgium staff members were kidnapped, causing MSF to close its programmes in Bakool region in June 2009.

52. On 20 July 2009, Al-Shabaab issued a press release stating: "A number of NGOs and foreign agencies currently operating in Somalia will be completely closed down and considered enemies of Islam and Muslims". In October 2009, Al-Shabaab reportedly announced that all international relief organizations were banned from operating in Somalia, particularly in areas that were under Al-Shabaab control, adding that aid agencies are working against Islamic groups in the country, and against the establishment of an Islamic State in Somalia. However, some United Nations agencies and international non-governmental organizations are still operating in those areas.

53. Similarly, in October 2009, Hizbul Islam also called on all humanitarian agencies operating in areas controlled by Hizbul Islam to register within 15 days and pay a registration fee. In addition, the spokesman for Hizbul Islam warned the United Nations against reopening offices in Mogadishu. He stated that Hizbul Islam would target the United Nations if it decides to open offices in Somalia.

IV. Piracy

54. Recruitment of children into the pirate groups that operate off the "Puntland" coast continues to be documented: 10 cases were recorded by monitors in January and February 2010. During 2010, several cases were documented of children escaping from Al-Shabaab and joining the pirate groups in "Puntland".

55. Piracy poses a significant threat to humanitarian and commercial ships transiting in the waters off the Somali coast. In October 2009, the International Maritime Bureau reported that the number of attacks in the Indian Ocean off the Somali coast more than tripled to 47, from 12 in the same period a year earlier. Roughly 90 per cent of WFP food aid for Somalia arrives by sea, making this aid particularly vulnerable to piracy. Examples of instances where piracy had a direct impact include attacks on two vessels, carrying 4,097 and 27,000 tons respectively of food and other aid items, in April 2009 off the Somalia coast. The ships were able to safely arrive at their destination with their cargo intact following a successful naval intervention.

V. Follow-up to the conclusions of the Security Council Working Group

A. Dialogue and action plans to redress violations of children's rights

56. Progress in implementing the recommendations of the Security Council Working Group (see S/AC.51/2008/14) has been limited. This is because the Djibouti peace agreement of August 2008 between the Transitional Federal Government and ARS-Djibouti, although leading to a more inclusive government

and the election of a new President in January 2009, has not brought the conflict in Somalia to an end. Rather, the past 18 months have seen an intensification of the conflict, which has in turn reduced the already compromised access of the international community to a minimum in the conflict-affected areas.

57. Further to this, the external dimensions of the conflict in Somalia, and the designation of Al-Shabaab as a terrorist organization in several countries, has meant that a more comprehensive and balanced engagement with the group has been extremely difficult.

58. Because of the extreme ideological stance of the insurgent groups, advocacy and dialogue with those entities on issues as sensitive as violations of children's rights and child recruitment have been difficult. Discussion of this issue at the community level by partners and human rights defenders has proved extremely risky, and several former civil society advocates have fled the country, or been killed, for speaking out. For international organizations having both a multisectoral humanitarian programme and a protection mandate, advocacy with non-State armed groups on child rights violations has been hindered by concerns that engagement in this area could compromise the already limited humanitarian access and thus put at risk other life-saving programmes.

59. The Transitional Federal Government has a clear policy against the recruitment of any person under the age of 18 into its armed forces, and has repeatedly stated its willingness to take steps to release children from the ranks and prevent further recruitment of children. Efforts to advocate with the Government have been stalled, however, as a result of the precarious military position of the Transitional Federal Government in 2009 and the first half of 2010, and because of an internal political rift that has absorbed much of the Government's time and attention.

60. In 2010, a high-level consultation is planned, involving key ministers, as well as police and military commanders of the Transitional Federal Government, at which the Government's commitments under the Paris Principles, which they signed in 2007, will be discussed. The meeting will also be an opportunity to help the Transitional Federal Government in creating a task force to address the issue of child recruits in its own armed forces and those of its allies, and to develop an action plan for the release of children and their subsequent reintegration into communities.

B. Response to violations against children

61. The Protection Monitoring Network continues to coordinate activities through joint advocacy and response for the protection of civilians, with a special focus on women, children, internally displaced persons and other vulnerable groups. The network takes forward dialogue and advocacy with local government, traditional leaders and the Transitional Federal Government. UNICEF continues to support Somali non-governmental organizations that are conducting advocacy sessions with parliamentarians and other office-bearers in the Transitional Federal Government, focusing on the illegality under international law of using children in conflict, as well as other child protection issues.

62. Regionally based networks of local child protection non-governmental organizations in all zones of Somalia carry out joint advocacy and referral for individual children. During 2009, 960 children were provided referral and support by the monitors or child protection networks. These interventions include advocacy to release children from detention, support to allow marginalized children to access schooling, and lobbying for the prosecution of cases of sexual violence involving child victims.

63. UNICEF supports an ongoing child protection community mobilization programme, with a strong focus on prevention of violence, abuse and exploitation. Community-level child protection committees have also made over 700 referrals of urgent child protection cases during 2009. In central and southern Somalia, the mobilization concentrates on emergency issues such as sexual violence, child recruitment and mine risk education. UNICEF further supports gender-based violence outreach caseworkers, linked to the community mobilization programmes. In 2009, these outreach workers have referred more than 1,700 survivors of gender-based violence to judicial, medical, legal and psychosocial services and survival assistance.

64. Psychosocial care and support services are provided, with UNICEF support, at community and school levels in 90 schools in all zones of Somalia, with a focus on children affected and displaced by the conflict.

65. On 20 November 2009, the Transitional Federal Government announced its intention to ratify the Convention on the Rights of the Child. This has been followed by advocacy sessions with key parliamentarians, ministers and members of the human rights committee of parliament.

VI. Recommendations

66. I remain deeply concerned about the continuing grave violations against children in Somalia by parties to the conflict. I strongly reiterate the recommendations in my two previous reports on the situation of children and armed conflict in Somalia (S/2007/259 and S/2008/352). I also urge the immediate implementation of all subsequent conclusions of the Working Group on Children and Armed Conflict in Somalia (see S/AC.51/2007/14 and S/AC.51/2008/14).

67. I strongly urge Al-Shabaab, Hizbul Islam, clan militias, Ahlu Sunnah Wal Jama'a, and all other armed groups to immediately and without preconditions cease the recruitment and use of children, and release them. All parties are required to enter into dialogue with the United Nations and to prepare time-bound action plans in line with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).

68. I strongly urge the Transitional Federal Government to stop all recruitment of children and call upon it to actively seek to identify and release unconditionally all children associated with its armed forces and those of its allies, and engage in dialogue with the United Nations towards the preparation and implementation of action plans in line with Security Council resolutions 1539 (2004), 1612 (2005) and 1882 (2009).

69. I am deeply concerned about the killing and maiming of children and other civilians in the course of military operations, and I remind all parties to the conflict of their obligations to ensure respect for international law, and urge them to make all

efforts to protect children through strict adherence to the principles of distinction and proportionality in the conduct of hostilities.

70. In view of the listing of the Transitional Federal Government and Al-Shabaab in my last annual report on children and armed conflict (S/2010/181) for the patterns of killing and maiming of children, in contravention of applicable international law, I urge both parties to enter into dialogue with the United Nations to prepare and implement action plans to halt the pattern of killing and maiming of children committed by members of the armed forces of the Transitional Federal Government and those of its allies, or members of the armed group or persons associated with the armed group respectively.

71. I remain gravely concerned about the continuing lack of humanitarian access in Somalia and its detrimental impact on millions of children, particularly in the central and southern regions. I call upon all parties to the conflict to ensure unhindered and safe humanitarian access for children, to allow the free passage of humanitarian aid, to respect the exclusively humanitarian nature and impartiality of aid, and to respect the markings and emblems of humanitarian organizations without distinction.

72. I am concerned at the attacks against and occupation of schools and hospitals by parties to the conflict and call upon them to cease such acts and to maintain the neutrality and security of civilian institutions that provide shelter and tend to the needs of children.

73. I strongly encourage the Transitional Federal Government and other appropriate authorities in Somalia to redress the prevailing culture of impunity, to launch investigations into all incidents of grave violations of children's rights and to ensure that all individuals responsible for grave violations against children are held accountable. All appropriate authorities are also encouraged to increase child protection, law enforcement and judicial capacities.

74. I urge the Government of Kenya to investigate the alleged recruitment of Somali children from refugee camps in Kenya, and to implement necessary safeguards to ensure increased security and protection of the civilian populations in and around refugee camps.

75. The Security Council is encouraged, in the upcoming renewal of the mandate of the United Nations Political Office for Somalia and/or in any future peacekeeping operation in Somalia, to provide for a strengthened child protection capacity, including the deployment of child protection advisers.

76. The African Union is strongly encouraged to include in the AMISOM mandate specific provisions for the protection of children and civilians. This includes child protection advisers and mechanisms for the monitoring and reporting of grave violations against children. This should be accompanied by the requisite support, capacity and oversight, including training on international humanitarian law, human rights law and international child protection standards. I encourage the African Union to ensure that AMISOM troops adhere to their rules of engagement, and impose disciplinary measures for violations. This should include steps taken to address disproportionate or indiscriminate response under fire, resulting in significant civilian casualties.

77. The international community is encouraged to dedicate adequate and timely resources to Somalia for child protection. Emphasis should be placed on strengthening local capacity in monitoring, reporting, advocacy, prevention activities and response to child rights violations within the country and in internally displaced person and returnee settlements.

78. My Special Representative for Children and Armed Conflict is requested to undertake a mission to Somalia in the near future to assess at first hand the situation for children and the implementation of the recommendations in my reports and those of the Security Council Working Group on Children and Armed Conflict.